

IN RE: PETITION FOR VARIANCE
S/S Garrison Farms Court, 358' E
of the c/l Garrison Farms Road
(7 Garrison Farms Court)
3rd Election District
2nd Councilmanic District
Irvin Hyatt, M.D., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-254-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7 Garrison Farms Court located in the Stevenson area of northern Baltimore County. The Petition was filed by the owners of the property, Dr. Irvin Hyatt and his wife, Judith Hyatt. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 205.3 to permit side yard setbacks of 9 feet and 3 feet in lieu of the minimum required 15 feet for each; from Sections 205.4 and 301.1 to permit a rear yard setback of 21 feet in lieu of the required 40 feet for an open porch, or, to permit an open porch to extend 48% into the rear yard in lieu of the maximum permitted 25%; and from Sections 205.2 and 303.1 to permit a front yard setback of 13 feet in lieu of the minimum required 28.5 feet for proposed improvements. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dr. and Mrs. Irvin Hyatt, property owners, Thomas J. Hoff, Landscape Architect, and Abraham L. Adler, Attorney for the Petitioners. Appearing as Protestants in the matter were Joel and Gail Smith, adjoining property owners.

Testimony revealed that the subject property consists of 0.32 acres, more or less, zoned D.R. 2 and is improved with a single family

dwelling. The Petitioners are desirous of making improvements to their property including the construction of a one-story addition and adjoining screened porch on the southeast side and rear of the existing dwelling and partially enclosing a proposed carport in the front yard adjacent to the northeast property line in accordance with that depicted on Petitioner's Exhibit 1. Testimony and evidence presented indicated that the Petitioners have the support of their neighbors on the east side who would be most affected by the proposed improvements. The Petitioners do not need any variances on the Protestants' (west) side of their property. Further testimony indicated that all improvements will be constructed of building materials the same as or similar to that used on the existing dwelling.

Appearing in opposition to the Petitioners' request were Joel and Gail Smith, adjoining property owners on the west side. Testimony revealed that the Smiths were originally opposed to the Petitioners' request, but have entered into preliminary negotiations with the Petitioners' attorney, Abraham Adler. The Protestants have agreed to withdraw their opposition based on certain restrictions that are to be imposed upon the granting of the relief requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 2 -

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the granting of the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of April, 1994 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 205.3 to permit side yard setbacks of 9 feet and 3 feet in lieu of the minimum required 15 feet for each; from Sections 205.4 and 301.1 to permit a rear yard setback of 21 feet in lieu of the required 40 feet for an open porch, or, to permit an open porch to

- 3 -

extend 48% into the rear yard in lieu of the maximum permitted 25%; and from Sections 205.2 and 303.1 to permit a front yard setback of 13 feet in lieu of the minimum required 28.5 feet for proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners agree to and shall be prohibited from requesting any variances to the west side of their property along the common boundary line of the adjoining property owned by Joel and Gail Smith. The Petitioners, their heirs, successors, and assigns, shall be forever prohibited from variances of the 15-foot setback presently provided on the west side of their dwelling.
- 3) The Petitioners agree to utilize the same or similar building materials as used on the dwelling in the construction of the proposed carport and additions so that all construction will conform to the existing improvements on the property.
- 4) The Petitioners agree to make a good faith effort to contact the original developer of this subdivision to secure a waiver from the covenants and restrictions that are applicable to this property, said covenants and restrictions being recorded in the Land Records of Baltimore County in Liber 3916, Page 526. It is not mandatory that this waiver be obtained, however, the Petitioners and the Protestants realize that the variances granted pursuant to this Order have no effect on the covenants and restrictions applicable to this property. Those covenants and restrictions are still in full force and effect and this Order shall in no way constitute a waiver thereof.
- 5) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

April 14, 1994

(410) 887-4386

Abraham L. Adler, Esquire
20 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
S/S Garrison Farms Court, 358' E of the c/l Garrison Farms Road
(7 Garrison Farms Court)
3rd Election District - 2nd Councilmanic District
Irvin Hyatt, et ux - Petitioners
Case No. 94-254-A

Dear Mr. Adler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Dr. & Mrs. Irvin Hyatt
7 Garrison Farms Court, Baltimore, Md. 21208

Mr. & Mrs. Joel Smith
5 Garrison Farms Court, Baltimore, Md. 21208

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7 Garrison Farms Court
which is presently zoned DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHMENT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Irregular shape of existing lot.
2. Impact of existing drainage and utility easement.
3. Such other factors as will be presented at the time of the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner
Abraham L. Adler, Esquire

(Type or Print Name)

Signature

20 S. Charles Street 539-6967
Baltimore MD 21201

Address

City

State

Zip Code

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Dr. Irvin Hyatt

(Type or Print Name)

Signature

Judith Hyatt

(Type or Print Name)

Signature

7 Garrison Farms Court 484-4226

Address

City

State

Zip Code

Phone No. 21208

City, State, Address and phone number of legal owner, contract purchaser or representative to be contacted.

OFFICIAL ONLY

ESTIMATED LENGTH OF HEARING

Available for Hearing

See following dates: 10/2/94, 10/10/94, 10/17/94

ALL OTHERS

REVIEWED BY: TMK DATE: 12/14/94

ORDER RECEIVED FOR FILING
Date 4/14/94
By [Signature]

ATTACHMENT TO

PETITION FOR VARIANCE

7 GARRISON FARMS COURT

94-254-A

1. VARIANCE TO PERMIT SIDE YARDS OF 9' AND 3' IN LIEU OF THE REQUIRED 15'. SECTION 205.3, BCZR (1955-1971).
2. VARIANCE TO PERMIT A REAR YARD SETBACK FOR AN OPEN PORCH FROM THE REAR PROPERTY LINE OF 21' IN LIEU OF THE REQUIRED 40' OR TO PERMIT AN OPEN PORCH TO EXTEND 48% INTO THE REAR YARD IN LIEU OF THE ALLOWED 25%. SECTIONS 205.4 AND 301.1, BCZR (1955-1971).
3. VARIANCE TO PERMIT A FRONT YARD SETBACK FROM THE FRONT PROPERTY LINE OF 13' IN LIEU OF THE REQUIRED 28.5' (AVERAGE OF THE ADJACENT DWELLING SETBACKS) SECTIONS 205.2 AND 303.1, BCZR (1955-1971).

HOFF &
ANTONUCCI
ASSOCIATES
Land Development Consultants
and Landscape Architects

December 20, 1993

Description of Hyatt Residence, 7 Garrison Farms Court to Accompany Petition for Variances

2nd Councilmanic District
3rd Election District, Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the south side of Garrison Farms Court (50' R/W) at a distance of 358 feet more or less east of the centerline of the nearest improved intersecting street, Garrison Farms Road (50' R/W). Being Lot #13, Block 'B', Section #2 in the subdivision of Garrison Farms as recorded in Baltimore County Plat Book #30, Folio #98, containing 0.32 Ac. +/- (13,977 S.F. +/-).

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

Note:
This Description has been prepared for zoning purposes only.

254

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 111 Date of Posting: 1/13/94

Posted for: Irvin Hyatt

Publisher: THE JEFFERSONIAN

Location of property: 7 Garrison Farms Ct

Location of Sign: 7 Garrison Farms Ct

Remarks: 1/13/94

Posted by: Arnold Jablon Date of return: 1/13/94

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan. 13, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 13, 1994.

THE JEFFERSONIAN,
A. Henriksen
LEGAL AD. - TOWSON
Publisher

THE JEFFERSONIAN is published weekly, except on legal holidays, at 111 West Chesapeake Avenue, Towson, Maryland 21204. Telephone: (410) 887-3353. Second-class postage paid at Towson, Maryland. Postmaster: Please send address changes to THE JEFFERSONIAN, 111 West Chesapeake Avenue, Towson, MD 21204. POSTAGE WILL BE PAID BY ADDRESSEE. POSTMASTER: Please Make Checks Payable To: Baltimore County. POSTAGE WILL BE PAID BY ADDRESSEE. POSTMASTER: Please Make Checks Payable To: Baltimore County.

receipt

Date: 12/11/93 94-254-A

Hyatt, Irvin - 7 Garrison Farms Ct

010 variance - \$50.00

080 1 sign (15.00) - \$135.00

\$185.00

Account: R-001-4180

Number: 94-254-A

Taken In By: 254

Item #: 254

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

#254

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 254

Petitioner: Dr. Irvin Hyatt

Location: 7 Garrison Farms Ct

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Abraham L. Adler, Esquire

ADDRESS: 20 S. Charles Street
Baltimore, MD 21201

PHONE NUMBER: 539-6967

Attn: Arnold Jablon

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-254-A (Item 254)

7 Garrison Farms Court

S/S Garrison Farms Court, 358' E of c/l Garrison Farms Road

3rd Election District - 2nd Councilmanic

Petitioner(s): Dr. Irvin Hyatt and Judith A. Hyatt

HEARING: WEDNESDAY, FEBRUARY 2, 1994 at 9:00 a.m. in Rm. 118, Courthouse

Variance to permit side yards of 9 feet and 3 feet in lieu of the required 15 feet; to permit a rear yard setback for an open porch from the rear property line of 21 feet in lieu of the required 40 feet or to permit an open porch to extend 48% into the rear yard in lieu of the allowed 25%; and to permit a front yard setback from the front property line of 13 feet in lieu of the required 28.5 feet (average of the adjacent dwelling setbacks).

Arnold Jablon
Arnold Jablon
Director

cc: Irvin and Judith Hyatt
Abraham L. Adler, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

FEBRUARY 2, 1994

NOTICE OF REASSIGNMENT

RESCHEDULED FROM WEDNESDAY, FEBRUARY 2, 1994

CASE NUMBER: 94-254-A (Item 254)

7 Garrison Farms Court

S/S Garrison Farms Court, 358' E of c/l Garrison Farms Road

3rd Election District - 2nd Councilmanic

Petitioner(s): Dr. Irvin Hyatt and Judith A. Hyatt

Variance to permit side yards of 9 feet and 3 feet in lieu of the required 15 feet; to permit a rear yard setback for an open porch from the rear property line of 21 feet in lieu of the required 40 feet or to permit an open porch to extend 48% into the rear yard in lieu of the allowed 25%; and to permit a front yard setback from the front property line of 13 feet in lieu of the required 28.5 feet (average of the adjacent dwelling setbacks).

HEARING: THURSDAY, FEBRUARY 24, 1994 at 2:00 p.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Irvin and Judith Hyatt
Abraham L. Adler, Esq.

* Sticker sent for sign

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

MARCH 7, 1994

NOTICE OF REASSIGNMENT

RESCHEDULED FROM 02/24/94

CASE NUMBER: 94-254-A (Item 254)

7 Garrison Farms Court

S/S Garrison Farms Court, 358' E of c/l Garrison Farms Road

3rd Election District - 2nd Councilmanic

Petitioner(s): Dr. Irvin Hyatt and Judith A. Hyatt

Variance to permit side yards of 9 feet and 3 feet in lieu of the required 15 feet; to permit a rear yard setback for an open porch from the rear property line of 21 feet in lieu of the required 40 feet or to permit an open porch to extend 48% into the rear yard in lieu of the allowed 25%; and to permit a front yard setback from the front property line of 13 feet in lieu of the required 28.5 feet (average of the adjacent dwelling setbacks).

HEARING: THURSDAY, APRIL 7, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Irvin and Judith Hyatt
Abraham L. Adler, Esq.
Joel A. Smith, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 21, 1994

Abraham L. Adler, Esquire
20 South Charles Street
Baltimore, Maryland 21201

RE: Case No. 94-254-A, Item No. 254
Petitioner: Irvin Hyatt, et ux
Petition for Variance

Dear Mr. Adler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 21, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kasloff
Administrator

1-3-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94-254 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID H. KANIS, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

Jan 1994

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Kaller, Deputy Director
Office of Planning and Zoning

DATE: January 4, 1994

SUBJECT: 7 Garrison Farms Court

INFORMATION:

Item Number: 254

Petitioner: Dr. Irvin Hyatt

Property Size:

Zoning: D.R. 2

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

An inspection of the above referenced property has revealed that placement of the proposed carport in the front of this property could impede the view of the historic Fort Garrison from the adjacent property owners.

The Office of Planning recommends denial of the request to permit a side yard setback of 3' and front yard setback of 13' for the proposed carport in the front yard.

The Office of Planning and Zoning, however, recommends approval of the requested 9' side setback for proposed addition to the side of the house and approval of the requested 21' rear setback for the proposed screened porch.

Prepared by: *Jeffrey M. Long*

Division Chief: *Edward L. Kers*

PK/JL:lw

ZAC. 254/PZONE/ZAC1

Pg. 1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1102

RE: Property Owner: DR. IRVIN HYATT & JUDITH A. HYATT

LOCATION: 875 GARRISON FARMS CT. 358' E OF CENTERLINE GARRISON FARMS RD. (7 GARRISON FARMS RD.)
(1000 N. 250' (M103) Zoning Agenda: VARIANCE

RE: Fire Prevention Bureau has no comments at this time.

REVIEWED: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4681, MS-1102F

cc: File

RECEIVED
JAN 5 1994
ZADM

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 28, 1994

(410) 887-4386

Joel A. Smith, Esquire
Kahn, Smith and Collins, P.A.
110 St. Paul Street
6th floor
Baltimore, Maryland 21202

RE: Case No. 94-254-A
Petition for Variance
Property: 7 Garrison Farms Court, Baltimore, Md. 21202
Petitioner: Irvin Hyatt, M.D., et ux

Dear Mr. Smith:

This is to acknowledge your letter of February 24, 1994 and our recent telephone conversation regarding the above matter. By a copy of this letter, I am acknowledging my recent telephone conversation with counsel for the Petitioners, Abraham L. Adler, Esquire.

As I advised by telephone, this matter was originally scheduled for hearing on February 4, 1994. However, approximately 10 days before the hearing date, a request for postponement was received from Petitioners' counsel. The request crossed my desk and I spoke with Mr. Adler about the postponement at that time. He indicated to me that he was unaware of any Protestants. Based on his request for postponement and the reasons offered in support thereof, this matter was, therefore, postponed and reset to February 24, 1994.

On the morning of February 24th, it came to my attention that I had a potential conflict in schedule between the case and a departmental meeting. Remembering that this case had previously been postponed and my prior conversation with Mr. Adler, I called his office to inquire whether he would be willing to move the hearing to 1:00 P.M. He graciously consented to this accommodation to my schedule and indicated that he was unaware of any opposition to the request. The matter was, therefore, called to order and conducted at 1:00 P.M. At that time, Mr. Adler and his clients appeared, as did Thomas J. Hoff, the engineer who prepared the site plan. Obviously, there were no Protestants present.

The case was not moved to 1:00 P.M. in any effort to deny anyone due process nor to conduct a hearing without opportunity for all interested persons to be heard. I sincerely believed, at the time of the hearing, that there were no Protestants and that the matter was uncontested.

Joel A. Smith, Esquire
Kahn, Smith and Collins, P.A.
110 St. Paul Street
6th floor
Baltimore, Maryland 21202
page 2.....

Under the circumstances, I have returned the file to Ms. Gwen Stephens, the Docket Clerk in the Office of Zoning Administration and Development Management with instructions to reset the case for hearing. Moreover, since I have heard testimony on the merits of this case, I have instructed her to set the case before the Deputy Zoning Commissioner, Timothy M. Kotroco. Mr. Kotroco has no knowledge of the case and can conduct a fair and impartial hearing. Moreover, I have instructed Ms. Stephens to send notice of the new hearing date to you and Mr. Adler directly. In that this is in the nature of a continued hearing, I see no need to again repost and readvertise the property since direct notice of the hearing will be forwarded to you and Mr. Adler, as counsel for the Petitioners.

Kindly do not hesitate to call me should you have any questions in this regard.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Abraham L. Adler, Esquire
20 South Charles Street
Baltimore, Maryland 21201

cc: Ms. Gwen Stephens, Docket Clerk
ZADM

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.
TENTH FLOOR - 310 LIFE BUILDING
24 SOUTH CHARLES STREET
BALTIMORE, MD 21201
(410) 539-6967
TELETYPE: (410) 752-0685

TELECOPIER TRANSMISSION SHEET

DATE: 01/24/94 TIME: FAX NO. 887-5708

TO: Baltimore County Office of Zoning Administration
Attn: Arnold Jablon, Director

FROM: ABRAHAM L. ADLER, ESQUIRE

NAME OF DOCUMENT:

NOTES:

Our telecopier number is (410) 752-0685

There are 2 pages INCLUDING this cover sheet.

Please contact PAT HALL (EXT 260) at (410) 539-6967, if less than the total number of pages are received, or if transmission error occurs.

HARD COPY TO FOLLOW: Yes ☒ No ☐ 3855 - 36807

***** NOTICE OF CONFIDENTIALITY *****

The document in this facsimile transmission is ATTORNEY PRIVILEGED AND CONFIDENTIAL and intended for the use of the individual or entity named above. If you have received this communication in error, or are not sure whether it is privileged, please immediately notify us by telephone, at (410) 539-6967, and return the original document in its entirety to us at the above address via the U.S. Postal Service. Any DISSEMINATION, DISTRIBUTION, COPYING, OR TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS DOCUMENT BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.
TENTH FLOOR-SUN LIFE BUILDING
20 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-0220
(410) 539-6967
FACSIMILE (410) 752-0685

January 24, 1994

Re: Case No. 94-254-A (Item 254)
7 Garrison Farms Court

Dear Sir/Madam:

I have received notice of the hearing of the above matter for Wednesday, February 2, 1994 at 9:00 A.M.

I have been informed that my clients will be out of the country on that date, returning late that evening, and I would request a postponement of this matter to any other day but a Monday.

Thank you for your cooperation in this matter.

Sincerely,
Abraham L. Adler
Abraham L. Adler
Counsel for Applicants

ALA:ph
cc: Dr. and Mrs. Irvin Hyatt

RECEIVED
JAN 25 1994
ZADM

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.
TENTH FLOOR-SUN LIFE BUILDING
20 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-0220
(410) 539-6967
FACSIMILE (410) 752-0685

April 28, 1994

Re: Case No. 94-254-A (Item 254)
7 Garrison Farms Court

Dear Nathan:

Judy and Irvin Hyatt have filed with Baltimore County a Petition for Zoning Variance to the setback provisions on the northeast and southeast side of their home (between their address at 7 Garrison Forrest Court and their neighbor at 9 Garrison Forrest Court) so that they may build a carport on their driveway, extend their east wall to build an addition to the kitchen, and build a screened-in porch on the southeast corner of the house.

The actual variances requested are as follows:

A. A variance to permit side yards of nine feet and three feet in lieu of the required fifteen feet;

B. A variance to permit a rear yard setback for an open porch from the rear property line of 21 feet in lieu of the required 40 feet, or to permit an open porch to extend 48' into the rear yard in lieu of the required 25'.

C. Variance to permit a front yard setback from the front property line of 13 feet in lieu of the required 28.5 (average of the adjacent dwelling setbacks).

They have obtained the written approval of her immediate next-door neighbors: Sandy Pearlman at 9 Garrison Farms Court (immediately adjacent to these proposed additions) and Sandy Gilmore at 11 Garrison Farms Court.

Mr. and Mrs. Smith, who live at 5 Garrison Farms Court, appeared at the zoning hearing and agreed to the request provided that Judy and Irvin agree they would not build any additions on the west side of their house (between them). They couldn't do this

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.
TENTH FLOOR-SUN LIFE BUILDING
20 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-0220
(410) 539-6967
FACSIMILE (410) 752-0685

May 10, 1994

Re: Irvin Hyatt, M.D.
Zoning Variance

Dear Mr. Kotroco:

I herewith enclose a copy of the letter as executed by Nathan Scherr dated April 28, 1994 which I have just received, which I believe fully complies with the request that is made by Mr. and Mrs. Smith and was contained in Clause 4.

Thank you for your attention and consideration.

Very truly yours,
Abraham L. Adler
Abraham L. Adler

ALA:dst
cc: Mr. and Mrs. Joel A. Smith
Dr. and Mrs. Irvin Hyatt

RECEIVED
MAY 13 1994
ZONING COMMISSIONER

February 15, 1994

Arnold Jablon, Director
Zoning Administration and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 7 Garrison Farms Court
Petitioner: Dr and Mrs. Irvin Hyatt
Case No. 94-254-A (Item 254)

Dear Mr. Jablon:

Please be advised that I reside at 10 Garrison Farms Court, and have been a neighbor of Dr. and Mrs. Irvin Hyatt for over 20 years. I am aware of the improvements they wish to make to their home and have no objection to same. These improvements in no way will impede the view of Fort Garrison from my property.

Very truly yours,

Sandra B. Gilmore
Sandy Gilmore

/rb

February 15, 1994

Arnold Jablon, Director
Zoning Administration and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 7 Garrison Farms Court
Petitioner: Dr and Mrs. Irvin Hyatt
Case No. 94-254-A (Item 254)

Dear Mr. Jablon:

Please be advised that I live at 9 Garrison Farms Court, next door to Dr. and Mrs. Hyatt.

In the present configuration of the houses, I cannot see the historic Fort Garrison from my front door. Therefore, the proposed carport that Dr. and Mrs. Hyatt wish to construct would not further complicate my problem and I have no objection to request that Dr. and Mrs. Hyatt are making for the use of their property.

Very truly yours,

Sandy Bearman
Sandy Bearman

PETITIONER'S
EXHIBIT 5

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I, CLYDE CLARK, Clerk of the Circuit Court for Baltimore County, do hereby certify that the foregoing is a true copy of the original
Dec. 6, 1994
No. 9716
Page 26 of 31 one of the
Clerk of the Circuit Court for Baltimore County

IN TESTIMONY WHEREOF I have set my hand
and affix the seal of the Circuit Court for
Baltimore County
this 7th day of April 1994
James P. Clark
Clerk of the Circuit Court for Baltimore County

mdc9916 p.524

THIS DEED OF TRUST, made this 28th day of March, 1994, by and between PRIME CONTRACTORS, INCORPORATED, a body corporate and incorporated under the laws of the State of Maryland, party of the first part, and WILLIAM A. BRASMAN, JR., the son of ALVIN A. BRASMAN, parties of the second part, THE SAVINGS BANK OF BALTIMORE, a body corporate of the State of Maryland, party of the third part, and JAMES E. BRASMAN and GUYNE BRASMAN, JR., parties of the fourth part, and CHARLES M. KRAMER and GUYNE KRAMER, JR., parties of the fifth part, and

WITNESSES, the said Prime Contractors, Incorporated, the said Alvin A. Brasmann, and the said Charles M. Kramer and Guyne Kramer, Jr., parties of the fourth and fifth parts, have already taken title to their particular lots and parcels, into which the same have been divided, and shown on the subdivision plat now of record in the Public Records of Baltimore County in Liber Vol. 27, folio 51, to certain covenants, agreements, restrictions, conditions and provisions, as hereinafter set forth:

WHEREAS, Prime Contractors, Incorporated, and the said Alvin A. Brasmann and the said Charles M. Kramer and Guyne Kramer, Jr., parties of the fourth and fifth parts, have already taken title to their particular lots and parcels, into which the same have been divided, and shown on the subdivision plat now of record in the Public Records of Baltimore County in Liber Vol. 27, folio 51, to certain covenants, agreements, restrictions, conditions and provisions, as hereinafter set forth:

NOW, KNOWING, this deed of trust, witnesseth, that the said Prime Contractors, Incorporated, and Alvin A. Brasmann and Guyne Brasmann, Jr., parties of the fourth part, and Charles M. Kramer and Guyne Kramer, Jr., parties of the fifth part, do hereby subject all of that tract of land situated in Baltimore County, State of Maryland, and more particularly described in the deed of trust of the said Alvin A. Brasmann, to Prime Contractors, Incorporated, dated March 1, 1994, and recorded in the Public Records of Baltimore County in Liber Vol. 27, folio 51, to the following covenants, agreements, restrictions, conditions and provisions, to-wit:

1. That the said Alvin A. Brasmann, Alvin A. Brasmann, Jr., Guyne Brasmann, Jr., Charles M. Kramer, and Guyne Kramer, Jr., parties of the fourth and fifth parts, do hereby

MICROFILMED

RESUME
THOMAS J. HOFF

THOMAS J. HOFF, INC.
c/o HOFF & ANTONUCCI ASSOCIATES
1711 York Road, Suite 1B
Lutherville, Maryland 21093
410-628-9225

EDUCATION:

Bachelor of Science Landscape Architecture.
Magna Cum Laude
West Virginia University, 1976

EXPERIENCE:

January 1992 to Present.
THOMAS J. HOFF, INC.
Lutherville, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.
HOFF & ANTONUCCI, INC.
Lutherville, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

PETITIONER'S
EXHIBIT 4

file

44-254-A

LAW OFFICES
KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELORAD, P.A.
TENTH FLOOR SUN LIFE BUILDING
20 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-1260

CHARLES B. HEYMAN
NATHAN F. GREENBERG
WILLIAM H. ENGELMAN
HERBERT J. BELORAD
EDWARD F. HEYMAN
THOMAS B. WILSON
ABRAHAM L. ADLER
MARK D. COPELAND
STANLEY S. FINE
BEARLE A. TUCKER
RENEE M. HAN
LORENZO S. VERMAN
HARVEY E. COOPERMAN
WILLIAM D. BLOOMBERG
DANIEL S. RAY
MICHAEL D. BERMAN
THOMAS D. WOLFE
STEVEN H. FREEMAN
BARRY WE. BLOOM

1818 1988
OF COUNSEL
MICHAEL L. FOREMAN
JEROME S. WILSON
ELISA J. WHITMAN
LOUIS B. BARR
LISA J. LEBER
LEE B. RAUCH

410-538-8887
FACSIMILE
410-782-0888

May 13, 1994

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County
Courthouse
Towson, Maryland 21204

Dear Mr. Kotroco:

I herewith enclose a copy of the letter as executed by Nathan Scherr dated April 28, 1994 which I have just received which I believe fully complies with the request as made by Mr. & Mrs. Smith and was contained in Clause 4.

Thank you for your attention and consideration.

Very truly yours,
Abraham L. Adler

ALA:dc
Enclosure
cc: Mr. & Mrs. Joe A. Smith
Dr. & Mrs. Irvin Hyatt

LAW OFFICES
KAHN, SMITH & COLLINS, P.A.
110 SAINT PAUL STREET
ATLANTA, GA 30303
BALTIMORE, MARYLAND 21202

JOEL A. SMITH
ANDREW H. KAHN
FRANCIS J. COLLINS
DAVID D. DUGAN
CHRISTINE L. NEFF
* ALSO ADMITTED IN FLORIDA

TELEPHONE (410) 244-1010
TELECOPIER (410) 244-0001

February 24, 1994

EXPRESS MAIL

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Suite 113, Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Area Variance Item No. 94-254-A
(Petitioner: Irvin Hyatt, M.D.)
Subject: 7 Garrison Farms Court, Baltimore, Maryland 21208

Dear Mr. Schmidt:

At 1:45 p.m. this afternoon my wife (Gail Smith) and I appeared at the County's hearing room numbered 118 in the old County Courthouse in Towson. The purpose of our visit was to enter our appearance as a party on the area variance application which is pending before the County and docketed as Item No. 94-254-A. We received notice of the time, date and place of the hearing from the placard that has been posted in front of the property which is the subject of the petition. We also confirmed as recently as 9:00 a.m. on this date by telephone call to Zoning Clerk Gwen Stephens the fact that the hearing was to be conducted today at 2:00 p.m. at hearing room 118.

When we arrived at the hearing room there was no one present. We waited a couple of minutes and then my wife placed a telephone call to Ms. Stephens with whom she had spoken before this date. Ms. Stephens assured my wife that the hearing would take place at the time that had been posted in the notice. Stephens further assured that all we needed to do was to wait in the hearing room for the parties and the Commissioner to appear.

After 2:00 p.m. we walked through the hall to your suite of offices. We encountered an office secretary in your office who informed us that the hearing was over and had been held at 1:00 p.m., today, instead of at 2:00 p.m. She further advised that the

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

94-254-A Paul Smith, Esq. 5 Garrison Farms Ct
94-254-A Joel Smith 5 Garrison Farms Ct 21208

NAME ADDRESS

JOEL A. SMITH
ATTORNEY AT LAW

KAHN, SMITH & COLLINS, P.A.
110 SAINT PAUL STREET
BALTIMORE, MD 21202

JOEL A. SMITH
ATTORNEY AT LAW

RESERVED

94-254-A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS

Herbert L. Adler
Thomas J. Hoff
James Hyatt, M.D.
Judith H. Hyatt

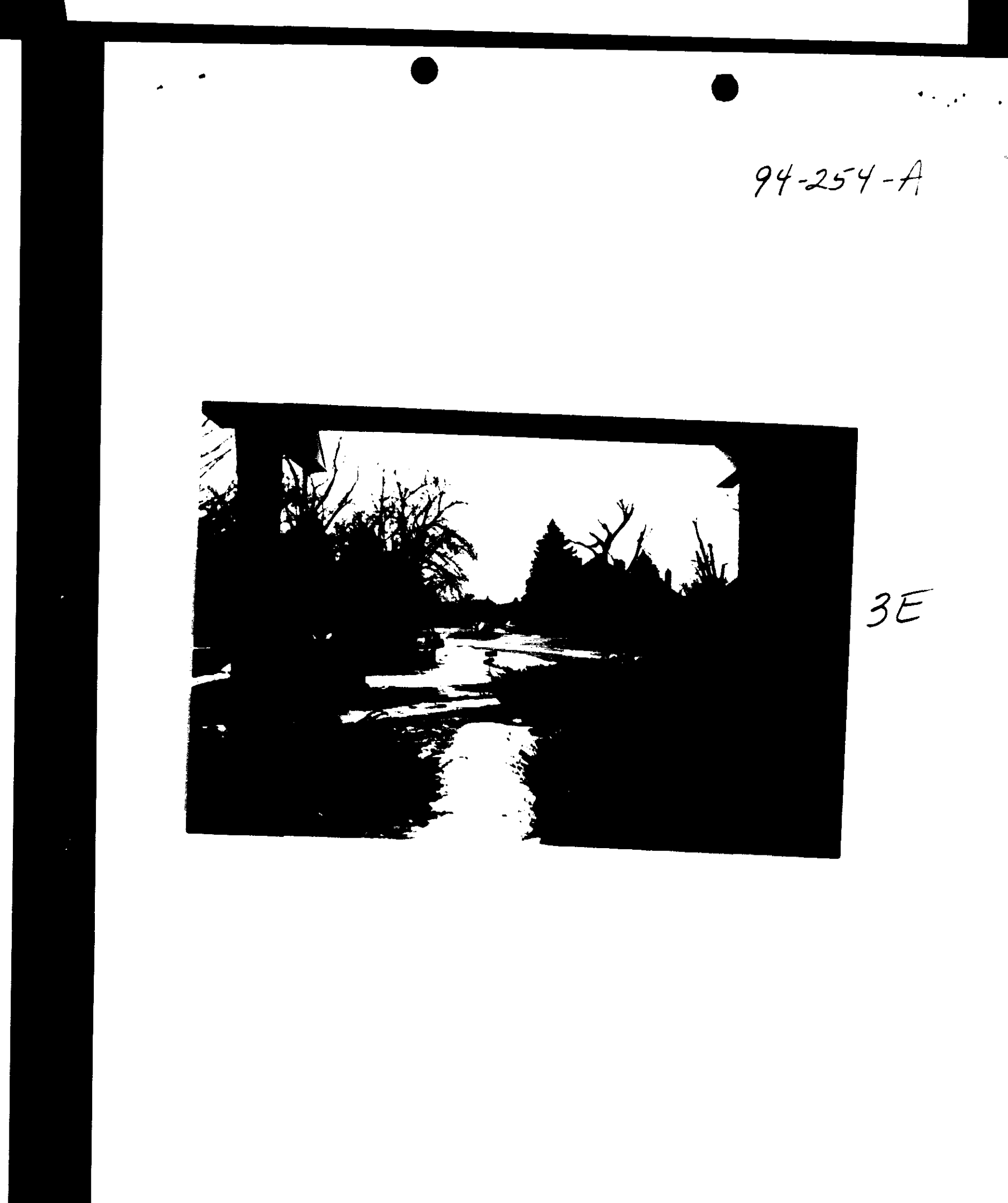
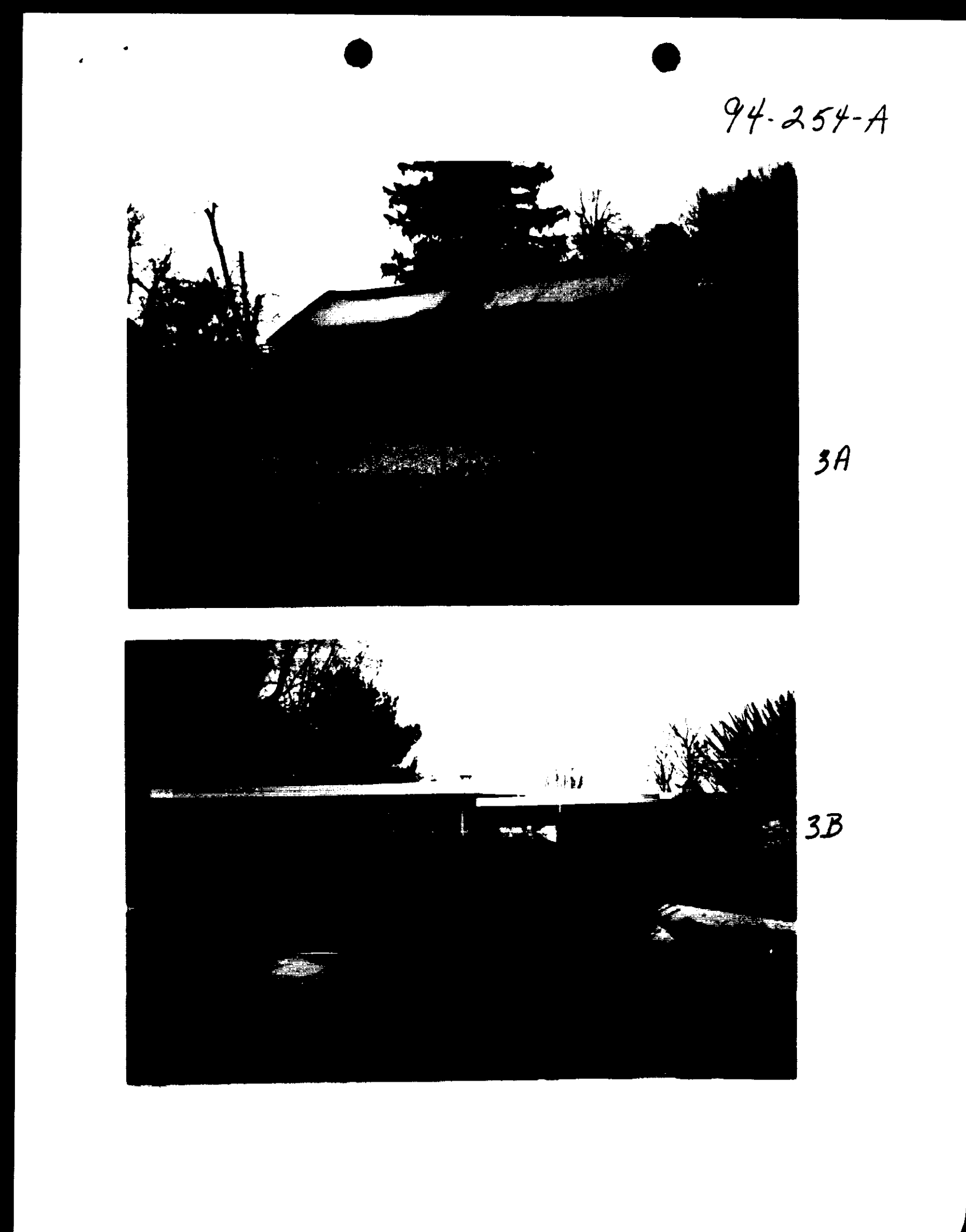
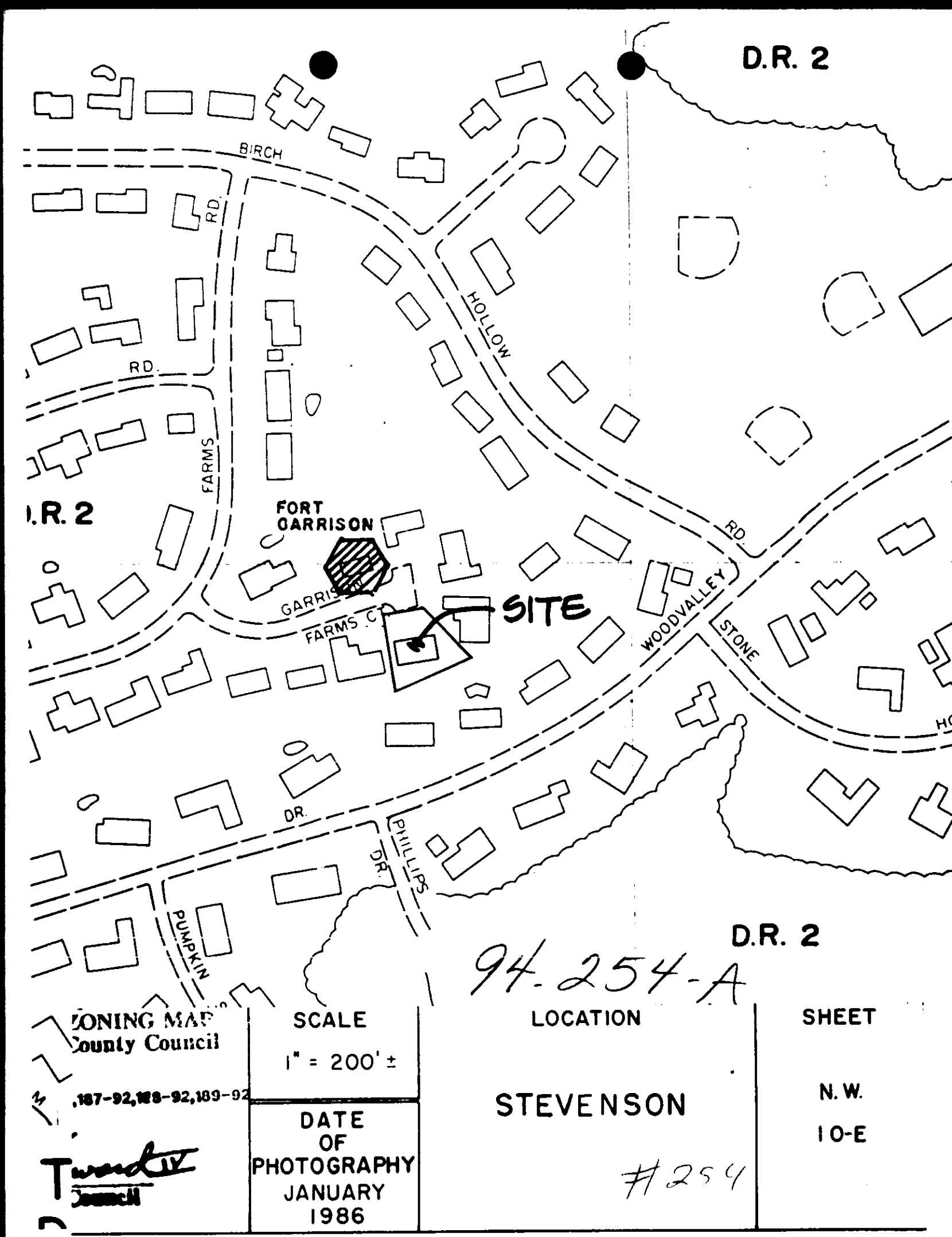
20 S. Charles St. 21201
1717 YORK RD. LUTHERVILLE MD 21073
7 Garrison Farms Ct 21208
7 Garrison Farms Ct 21208

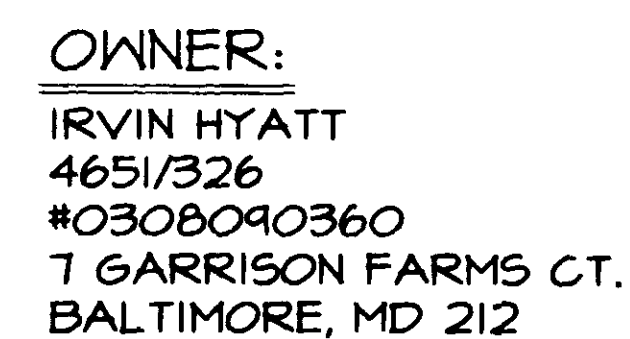
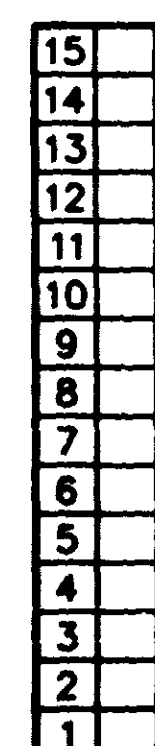
NAME ADDRESS

Joel A. Smith
Thomas J. Hoff
James Hyatt, M.D.
Abraham L. Adler

20 S. Charles St. 21201
1717 YORK RD. LUTHERVILLE MD 21073
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SHEET 1 OF 1